



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: July 12, 2016

SUBJECT: BZA #19319 – 218 D Street, S.E.
 Special Exception to replace an existing nonconforming office with a nonconforming group instructional (exercise) studio use

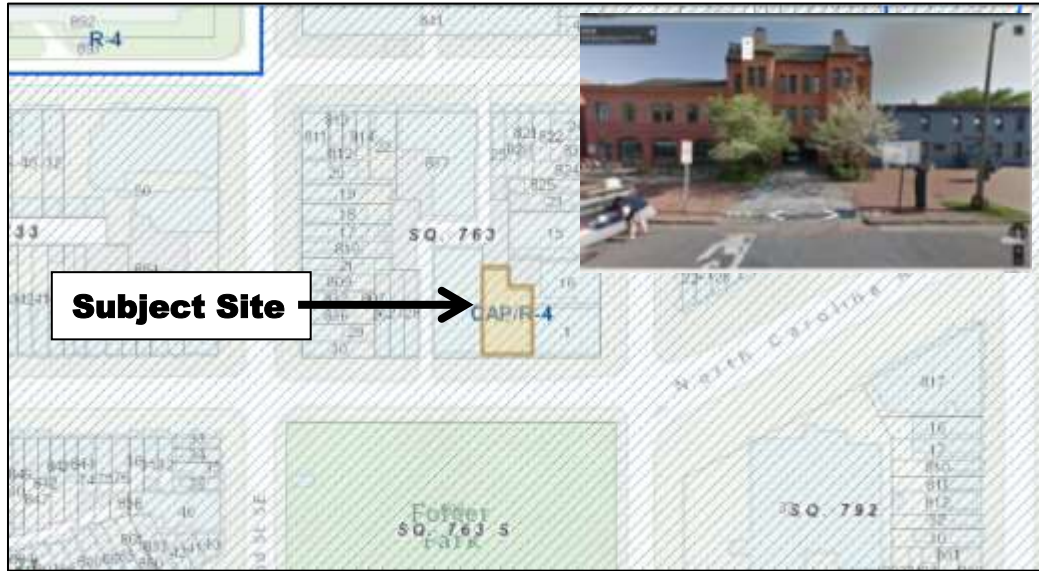
I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested special exception relief:

- § 2003 Changing Uses within Structures (existing - 2nd floor office space: proposed- 2nd floor group instructional (exercise) studio space).

II. LOCATION AND SITE DESCRIPTION

Address	218 D Street, S.E.
Legal Description	Square 763, Lot 2
Zoning	CAP/R-4: (Capitol Interest Overlay)
Ward and ANC	6, 6B
Historic District	Capitol Hill Historic District
Lot Characteristics and Existing Development	Irregular shaped lot; Existing development is a three-story structure with non-profit offices on the 2 nd and 3 rd floors, and an accessory garage on the first floor. The building has vehicular access from D Street, and to the alley system at the rear.
Adjacent Properties and Neighborhood Character	The adjacent properties to the east and west are commercial properties; Directly to the south is Folger Park, which is bounded by 2 nd and 3 rd Street and D Street. Brent Elementary School and row dwellings within the Capitol Hill Historic District are to the east, west and south of Folger Park.



Location and Zoning Map

III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to use existing 2nd floor office space, in the three-story office building as a group instructional studio, as part of the expansion of the existing gym adjacent to the subject property at 214 D Street, S.E.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The subject site is zoned CAP/R-4. The applicant requests relief from § 2003, to allow a nonconforming use to be changed to a use that is permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter of right.

V. ANALYSIS

Section 2003 establishes criteria by which the Board can approve a change from one nonconforming use to another.

2003.1 If approved by the Board of Zoning Adjustment, as authorized in §§ 3103 and 3104 for variances and special exceptions, a nonconforming use may be changed to a use that is permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter of right, subject to the conditions set forth in this section.

The existing office use is first permitted as a matter-of-right in the C-1 zone. The proposed exercise studio use is also permitted as a matter-of-right in the C-1 zone.

2003.2 The proposed use shall not adversely affect the present character or future development of the surrounding area in accordance with this title. The surrounding area shall be deemed to encompass the existing uses and structures within at least three hundred feet (300 ft.) in all directions from the nonconforming use.

The proposed use within the former office space should not adversely affect the surrounding area. The squash court located in the building to the west to which it would be adjoined at the second floor has been operating at this location by Board approval since 1979 (BZA12725). The building envelope would not change as a result of the change of use so there would be no additional impacts that would adversely affect the present character or future development of the neighborhood. The surrounding area is a mix of small commercial and office uses, which serve the west side of the Capitol Hill neighborhood and the proposed use is intended to serve immediate residents and workers in the neighborhood.

2003.3 The proposed use shall not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.

The proposed exercise studio use would not increase the height or floor area of the building. There would be no additional impact to the light and air available to adjacent properties. There would be no additional impacts due to parking and loading. Ten off-street parking spaces on the site are currently allocated to the gym use to which the proposed use would be adjoined. No parking is provided for the existing office use. There should be little change in the amount of illumination on the property. OP expects no deleterious external effects from the creation of an exercise space on the second floor.

2003.4 When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use.

The existing nonconforming office use in operation since 1979 has never switched to a conforming or more restrictive use.

2003.5 In Residence Districts, the proposed use shall be a dwelling, flat, apartment house, or a neighborhood facility.

In this case, the applicant proposes conversion of a previous office use of the mixed-use structure to neighborhood retail or service establishment that will serve the neighborhood and will therefore be a neighborhood facility. While “Neighborhood Facility” is not defined in the Zoning Regulations, the Board has established in past cases that characteristics of a neighborhood facility include its accessibility by walking and being patronized by people who live and work in the neighborhood. This has meant permitting a single otherwise non-conforming use, or a limited set of uses with similar potential impacts. In this case, the applicant is asking for permission to locate a similar use as was permitted for the current facility at 214 D Street and which would be a less intense use than an office use, which is first permitted in the C-1 District.

2003.7 The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it deems necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

OP recommends no changes, modifications or amendments to protect the enjoyment of neighboring property.

VI. COMMUNITY COMMENTS

The ANC 6D voted unanimously to support the application at its Planning and Zoning Committee meeting on July 5, 2016. The ANC’s report would be submitted separately to the record.